

As a consumer of digital content, I have a grave concern about the proposed Broadcast Flag.

Technology currently gives me more choices by allowing me to record a television program

and watch it later (ie time shift to a more convenient schedule), send an email clip of content I have videoed myself to a distant relative, record this content onto

a DVD and play it at my friend's apartment. The broadcast flag seems designed to remove this

control and flexibility that I enjoy.

Historically, the law has allowed for those not affiliated with creating content to come up with new,

unanticipated ways of using it. For example, Sony invented the modern VCR -- a movie studio did

not. (Sony did not own a movie studio at the time.) Diamond Multimedia invented the MP3 player

-- a recording label did not. Unfortunately, the broadcast flag has the potential to put an end to

that dynamic. Because the broadcast flag defines what uses are authorized and which are not, unanticipated uses of content which are not foreseeable today are by default unauthorized.

If we allow the content industry to "lock in" the definition of what is and is not legitimate use,

we curtail the ability for future innovation - unanticipated but legal uses that will benefit consumers.

I am a law-abiding consumer who believes that piracy should be prevented and prosecuted.

However, if theoretical prevention comes at the cost of prohibiting me from making legal,

personal use of my content, then the FCC should be working to protect all consumers rather

than enable those who would restrict consumer rights. In the case of the broadcast flag,

it seems that it will have little effect on piracy. With file-sharing networks, a TV program has only

to be cracked once, and it will propagate rapidly across the Internet. So, while I may be required

to purchase consumer electronic devices that cost more and allow me to do less, piracy will not

be diminished.

In closing, I urge you to require the content industry to demonstrate that its proposed technologies

will allow for all legal uses and will actually achieve the stated goal of preventing piracy.

If they cannot, I urge you not to mandate the broadcast flag.